

105TH CONGRESS
1ST SESSION

H. R. 2859

To prohibit commercial air tours over the Rocky Mountain National Park.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 1997

Mr. BOB SCHAFER of Colorado (for himself, Mr. MCINNIS, Mr. DAN SCHAEFER of Colorado, Mr. SKAGGS, and Ms. DEGETTE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To prohibit commercial air tours over the Rocky Mountain National Park.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rocky Mountain Na-
5 tional Park Overflights Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the National Park Service manages the
9 Rocky Mountain National Park to conserve—

1 (A) scenery, natural, cultural and historic
2 resources and values of the park; and

3 (B) wilderness resources and values of the
4 park, including natural quiet and wildlife re-
5 sources;

6 (2) while carrying out the conservation objec-
7 tives referred to in paragraph (1), the National Park
8 Service provides for the enjoyment of the values re-
9 ferred to in that paragraph in a manner and by a
10 means that will leave those values unimpaired for
11 the enjoyment of future generations;

12 (3) in order to manage the Rocky Mountain
13 National Park to achieve the purposes for which the
14 park was established, it is necessary to ban commer-
15 cial air tours over the park;

16 (4) the Federal Aviation Administration—

17 (A) manages the safe and efficient use of
18 the navigable airspace under subtitle VII of title
19 49, United States Code; and

20 (B) protects the environment from adverse
21 impacts in accordance with sections 40103 and
22 44715 and 307 of title 49, United States Code;
23 and

24 (5) the auditory and visual intrusion of aircraft
25 flying at low altitudes can be incompatible with the

1 preservation and management of natural or cultural
2 resources, natural quiet, scenery, and the enjoyment
3 by the public of the resources of the Rocky Moun-
4 tain National Park.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

7 (1) ADMINISTRATOR.—The term “Adminis-
8 trator” means the Administrator of the Federal
9 Aviation Administration.

10 (2) COMMERCIAL AIR TOUR.—The term “com-
11 mercial air tour” shall have the meaning provided
12 that term by the Administrator, in consultation with
13 the Secretary.

14 (3) HIGH-ALTITUDE COMMERCIAL FLIGHT.—
15 The term “high-altitude commercial flight” shall
16 have the meaning provided that term by the Admin-
17 istrator.

18 (4) NONCOMMERCIAL GENERAL AVIATION.—
19 The term “noncommercial general aviation” shall
20 have the meaning provided that term by the Admin-
21 istrator.

22 (5) PUBLIC OPERATION.—The term “public op-
23 eration” shall have the meaning provided that term
24 by the Administrator.

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 **SEC. 4. BAN ON COMMERCIAL AIR TOURS.**

4 (a) PROHIBITION RELATING TO COMMERCIAL AIR
5 TOURS.—Effective beginning on the date of enactment of
6 this Act, no commercial air tour may be operated in the
7 airspace over the Rocky Mountain National Park.

8 (b) REGULATIONS.—As soon as practicable after the
9 date of enactment of this Act, the Administrator, in con-
10 sultation with the Secretary, shall issue such regulations
11 as are necessary to carry out the prohibition under sub-
12 section (a). The regulations issued by the Administrator
13 under this subsection shall provide for enforcement in ac-
14 cordance with subtitle VII of title 49, United States Code.

15 **SEC. 5. RULE OF CONSTRUCTION.**

16 Nothing in this Act may be construed to apply to the
17 following:

18 (1) Flights conducted for the purposes of the
19 administration of the Rocky Mountain National
20 Park.

21 (2) Emergency operations.

22 (3) Noncommercial general aviation.

23 (4) Military operations and other public oper-
24 ations.

1 (5) High-altitude commercial flights.

